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CONGRESSIONAL RECORD

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cal prisoners is Indonesia. Large scale detention appears to date from 1965, when there was an abortive leftwing army coup in which six rightist generals were assassinated. The Indonesian Communist Party (PKI) also participated in this coup attempt. When the coup attempt failed the military officers who had come to power retaliated with mass arrests of those involved, or suspected of involvement, in the unsuccessful bid for power. In addition, large numbers of Communists, leftists, and suspected leftists were massacred. Estimates of the number jailed in the wake of the unsuccessful coup run as high as 250,000, while estimates of those killed ran from 100,000 to 500,000.¹⁰

Present estimates of the number of political prisoners vary widely, with the government avoiding any claim to definitive information. Amnesty International, in a 1970 report, put the total at 118,000. However a 1973 report from the same organization set the total at 55,000, but of this number only some 300 had been tried. The rest were, in effect imprisoned without trial. They are held in some 300 prisons and camps throughout Java and Sumatra. Ten thousand prisoners, including many artists and other intellectuals, are said to be held on the island of Buru in an agricultural labor colony.

The torture of Indonesian political prisoners has also been reported, and is said to have been admitted by the Indonesian Grand Commissioner of Police.¹¹

Although U.S. aid to Indonesia was permitted to run out after it was attacked by President Sukarno, it was eventually restored under his successors. U.S. aid to Indonesia is not currently suspended.

F. PARAGUAY

Another country receiving U.S. aid is Paraguay which has been accused of detaining political prisoners. The dictatorship of President Stroessner has maintained itself in power since 1954, ruling through a state of siege which abrogates certain civil rights and constitutional guarantees.

The government maintains that political prisoners do not exist in Paraguay. According to Amnesty International as quoted in the *Miami Herald*, however, there have been at least 150 cases of political imprisonment, some for as long as ten years.¹² Amnesty International has also stated that the random arrest, tortures and subsequent release of Paraguayan citizens is an almost daily occurrence.¹³ In April 1962, the Inter-American Commission on Human Rights of the OAS requested permission from the Paraguayan government to send a commission to investigate accusations of infringement of human rights, but permission was denied.

The United States has not suspended its assistance to Paraguay.

FOOTNOTES

¹⁰ Robert Shelton, *The Geography of Disgrace. A World Survey of Political Prisoners*. Saturday Review/World, June 15, 1974, p. 16.

¹¹ U.S. Congress, Senate Committee on Foreign Relations, Greece, February 1971. Staff Report, 92d Congress, 1st session. Washington, U.S. Gov't Printing Office, 1971, p. 6.

¹² Robert Shelton, *The Geography of Disgrace*. Saturday Review/World, Op. cit. p. 16.

¹³ Amnesty International, *Report on Torture*. Gerald Duckworth & Co. Ltd. London, 1973, p. 186.

¹⁴ Hosmer, Stephen T. *Viet Cong Repression and Its Implications for the Future*. Santa Monica, California, Rand Corporation, 1970. Rand Report No. R-4757-ARPA, p. 7.

¹⁵ Robert Shelton, *The Geography of Disgrace*. Saturday Review/World, Op. cit. p. 16.

¹⁶ Washington Post, June 24, 1973.

¹⁷ Amnesty International, *Report on Torture*. Op. cit. p. 157.

¹⁸ U.S. Congress, House, Committee on Foreign Affairs, Subcommittee on International Organization and Movements, *International*

Protection of Human Rights, Hearings, 93rd Congress, 1st session, Washington, U.S. G.P.O. 1973 p. 968.

¹⁹ Robert Shelton, *The Geography of Disgrace*. Saturday Review/World, Op. cit. p. 17.

²⁰ Ibid.

²¹ Miami Herald, August 14, 1973.

²² Amnesty International, *Annual Report, 1971-72*. London: Amnesty International Publications, p. 47.

—The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

[Mr. BINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HARRINGTON AMENDMENT TO CLARIFY POLICE TRAINING PROHIBITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, as the Foreign Affairs Committee continues markup on the Foreign Assistance Act, I intend to offer an amendment to clarify the prohibition on police training contained in section 112 of the Foreign Assistance Act. This amendment would resolve the ambiguities now in the statute, while preserving and strengthening the intent of Congress as expressed in 1973. The amendment I plan to offer is a more carefully revised version of the proposed amendment which appeared in my remarks in the CONGRESSIONAL RECORD on July 31.

Currently, section 112 states that no part of the appropriations made available to carry out the act, including Agency for International Development and Military Assistance program funds, shall be used to "conduct any police training or related program in a foreign country." However, the term "police training or related program" is not defined in the section. The imprecision of this term has left the act open to differing interpretations, and has allowed for the continuation of programs which appear to circumvent the intent of Congress.

It seems clear that in section 112 Congress intended to end the American subsidization of all training programs in foreign countries which involve instruction of policemen in the skills and tactics normally associated with police operations. The committee report accompanying the Senate version of the Foreign Assistance Act of 1973 states plainly of this section:

United States participation in the highly sensitive area of public safety and police training unavoidably invites criticism from persons who seek to identify the United States with every act of police brutality or oppression in any country in which this program operates. It matters little whether the charges can be substantiated, they inevitably stigmatize the total United States foreign aid effort.

In its approval of section 112, Congress appears to have expressed the philosophy that interference with the domestic law enforcement policies of for-

ign nations is not a proper aim for American assistance programs. Although it seems obvious that Congress intended to halt police training programs in foreign countries, the lack of precision in the wording of section 112 has allowed for the continuation of programs which circumvent this intent. Currently, at the Army School of the Americas, a Defense Department training school in the Panama Canal Zone, 1,240 military troops from 16 Latin American nations, partially supported by MAP funds, are being instructed in areas such as "Urban Counterinsurgency," "Urban Counterinsurgency Operations," "Internal Development/Civic Action," and "Internal Security Operations." These courses seem to be providing the kind of knowledge and skills that can be used for police-type operations.

The Department of Defense has issued a memorandum—unclassified 8,226—containing its interpretation of section 112, which indicates how the intent of Congress has been misconstrued to allow for the continuation of these programs:

Assistance in foreign countries under the Foreign Assistance Act for all phases of civilian law enforcement (other than narcotics control) is prohibited. "Law enforcement" includes apprehension and control of political offenders and opponents of government in power (other than prisoners of war) as well as persons suspected of commission of so-called common crimes. Section 112 FAA does not prohibit assistance, pursuant to Sec. 502 FAA, to units whose sole function is that aspect of internal security which may involve combat operations against insurgents or legitimate self-defense of national territory against foreign invasion, whether or not such units are called police." Assistance is, however, prohibited to units which have an on-going civilian law enforcement function as well as a combat function. . . . The prohibition does not apply to units which have a contingency function of supporting the police but which do not have any on-going civilian law enforcement functions.

Thus, according to DOD's interpretation of the law, military forces which serve an unofficial, non-ongoing-civilian law enforcement function, are not prohibited from receiving U.S. aid or assistance for police training purposes.

In many Latin American nations the military plays a large role in civilian law enforcement practices. Although these duties may not be an official ongoing part of the military's responsibilities, these civilian police activities are, in fact, often performed by the military forces.

In May 1970, the Foreign Affairs Committee issued the "Report of the Special Study Mission on Military Assistance Training—Latin America," which contains information on the civilian law enforcement functions of the military in the four countries they visited. Excerpts from the report, which follow, indicate the extent to which the military is, indeed, involved in civilian law enforcement:

BRAZIL

Internal security is considered a prime mission for nearly all armed forces units, particularly the Army. While civilian police forces have the primary responsibility for responding to threats of public disorder, they are backed up by military forces as required. . . .

. . . traditional role of the Brazilian mili-

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tary in frontier and interior areas where it has engaged a significant part of its manpower and other resources on projects from which civic benefits result.

... the Brazilian military's concept of professionalism does not include staying out of politics.

PERU

As for internal security, the Peruvian armed forces have proved their capabilities by crushing swiftly and effectively a Castroite uprising. Most officers have received some American training in doctrines of counterinsurgency. The emphasis which the United States military missions have given to civic action has been readily acceptable to the Peruvian military. Their own service schools have constantly stressed the importance of the military role in the "social and economic progress" of the country.

COLOMBIA

U.S. civic action doctrine also has been generally accepted by the Colombian military. Top generals are convinced that if the insurgents are to be kept within manageable bounds, the populace must know and trust the army as a friend and protector. Called "a civic action army" by members of the milgroup, the Colombian Armed Forces are engaged in a number of projects aimed at benefiting rural citizens.

PANAMA

The internal security capabilities of the National Guard (which includes all the services) have been adequate to cope with the small insurgency organized by supporters of deposed President Arias which periodically surfaces near the Costa Rican border. Our milgroup has promoted increased involvement of the Panamanian forces in civic action. . . .

Just last week, events in Chile demonstrated the continuing law enforcement role often played by the military in Latin American countries. A military tribunal convicted 60 persons of essentially political crimes—sentencing four of them to death by firing squad—a stark example of how the military can easily become heavily involved in domestic criminal justice affairs.

All five of the countries mentioned above, whose military forces were involved in civilian law enforcement functions, are currently having troops trained at DOD's military training schools in the Canal Zone. The troops are being instructed in tactics which are easily adaptable, if not identical, to police functions, and which are of questionable relevance to legitimate military defense training. It is clear to me that the Department of Defense has taken advantage of the vague and imprecise wording of section 112 to instruct these military personnel in what are essentially police tactics.

Action needs to be taken to insure that the intent of Congress, with respect to police training, is fully carried out. Accordingly, section 112 of the Foreign Assistance Act should be refined to ban explicitly the kinds of police training activities which are being carried out by the Army School of the Americas in the Canal Zone. My revised amendment would add the following paragraph to section 112, offering a more specific definition of police training programs:

AMENDMENT TO H.R. —

Offered by Mr. HARRINGTON

Page 4, after line 22, insert the following new section:

Sec. 6. Section 112 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151j) is amended by adding at the end thereof the following new subsection:

"(c) For the purposes of this section, the term 'police training or related program' shall include any training or instruction of any individual relating to that individual's performance of any civilian law enforcement function in a part-time or full-time capacity, or of a contingent nature."

This paragraph defines "police training or related program" to include any training or instruction of any individual relating to that individual's performance of any civilian law enforcement function in a part-time or full-time capacity, or of a contingent nature. The Department of Defense's own definition of the phrase "law enforcement," set forth in their memorandum—unclassified 8226—is adequate for the purposes of my amendment:

Law enforcement includes apprehension and control of political offenders and opponents of government in power (other than prisoners of war) as well as persons suspected of commission of so-called common crimes.

I have included the word "civilian" in my amendment because I do not want to interfere with legitimate military police training. It is not my intention that the training of armed forces personnel for law enforcement duties solely within those armed forces, be prohibited by this section. However, I do mean to ban police-related training to military personnel who perform any kind of non-military law enforcement function.

Adoption of this amendment will insure that the intent of Congress can no longer be circumvented by an interpretation of the law which excludes part-time police officers, including military personnel, from the ban on police training in foreign countries.

My amendment makes no substantive changes in section 112. Rather, it defines the terms contained therein more precisely in order to avoid further misinterpretation and circumvention of congressional intent.

EARL WARREN, A JUSTICE TO MATCH OUR MOUNTAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 10 minutes.

Mr. LEGGETT. Mr. Speaker, "The fair administration of justice is the strongest pillar of government." George Washington.

On my way to work at the Capitol, I often pass a stone statue of a very fierce and military Roman with chin thrust out, eyes glaring, and sword unsheathed and ready by his side. The pedestal's inscription reads, "The Price of Liberty Is Eternal Vigilance." While I can appreciate that work, I find myself troubled with any notions that our liberties are threatened only by, and therefore can be defended only by, military action. For while those liberties can be destroyed in a single day by an armed aggressor, so too can they be eroded by the callousness and distance of the very government created to preserve those same liberties.

Because Earl Warren recognized and taught that lesson, I celebrate his career and mourn his death. Of course I shall mourn him as a fellow Californian, educated by the same University of California and servant to the same people. I shall miss him as a fellow sportsman of the California wild. I shall miss him as a friend. But my mourning of Earl Warren shall reach down into levels far removed from personal ties and memories, for his impact upon American law and society cannot be overrated.

Earl Warren was a man of moral gravity; he was a man who did not ask "Will it play in Peoria?" but rather wondered "Is it consistent with our national ideals? Is it decent? Is it just? Is it fair?" When compared to my stony Roman friends' imposing sword, Earl Warren's humble judicial pen appears to be an unimpressive symbol of vigilance in the defense of liberty. I must suggest, however, that in the real day-to-day defense of those liberties, that humble quill pen emerges as the great guarantor of their survival.

To Earl Warren law was not a cold and impassionate instrument; rather, he saw law as the articulation of Western history and ethical aspiration. This ethical perspective—the concern for fairness and decency—was often voiced during Supreme Court proceedings. There, after long and technical legal presentations, the Chief Justice would often peer down from the bench and ask the presenting attorney "Yes, but is it fair?" It is altogether fitting and proper that Warren should ask such a question, for to him law "floated in a sea of ethics," and was inseparable from basic considerations of decency and fairness.

No case I know more clearly articulates this concern for fairness than the controversial police procedures case, *Miranda v. Arizona* (1966). This case involved a confession obtained from a man not advised of his right to counsel present during police questioning. In reversing the conviction of Ernesto Miranda, Warren wrote of the State responsibility to scrupulously observe the rights of all citizens. Warren was not satisfied that the State had vigilantly protected the rights of the accused.

It will long be remembered that Warren and the Court were long reviled in some quarters for this decision. Many felt Warren to be "soft" on criminals. This is a view which cannot be supported. In a television memorial aired shortly after Warren's death, former Justice Fortas remarked that Warren was neither soft on criminals nor crime. According to Fortas, however, they had a strong interest that—

When the state brings to bear its power against an individual, even in terms of the accusation of crime, that the democracy cannot survive, liberty cannot survive, unless even the rights of that person are safeguarded.

The Warren Court's decisions range into many areas of social concern beyond police procedure. As former Justice Goldberg remarked—

The Warren Court sought not the "peace of escapism," but chose rather to confront the troublesome problems of justice plaguing society.